

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

LOUIS DICKERSON, §  
VS. § CIVIL ACTION NO. 1:10CV390  
MARK MARTIN, WARDEN §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Petitioner, Louis Dickerson, an inmate confined at FCI Beaumont Low, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends respondent's motion for summary judgment be granted and the petition for writ of habeas corpus be dismissed without prejudice as petitioner has failed to exhaust his administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation have been filed to date.<sup>1</sup> After due consideration, the court is of the opinion that petitioner's writ of habeas corpus pursuant to 28 U.S.C. § 2241 should be dismissed without prejudice. Furthermore, the court is of the opinion that any request to hold this case in abeyance should be denied as petitioner failed to complete the administrative remedy process available to him prior to filing this habeas action.

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<sup>1</sup>Petitioner did file a response to the report and recommendation stating he agrees and accepts the magistrate judge's findings and recommendation and will proceed to exhaust his administrative remedies. In this response, petitioner also requested consideration of holding the action in administrative abeyance.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing the petition without prejudice. Petitioner will be free to re-file his petition after exhausting his administrative remedies.

So **ORDERED** and **SIGNED** this **1** day of **November, 2010**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, United States District Judge